

INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NUMBER PES-0059C SERIAL NUMBER 10/740,077 FILED 12/17/03

**FIRST INVENTOR: Jason K. Shiepe TITLE METHOD AND APPARATUS FOR
MAINTAINING COMPRESSION OF THE ACTIVE AREA IN AN ELECTROCHEMICAL
CELL EXAMINER ART UNIT**

1. Applicant submits herewith a copy of (a) attached form PTO-1449, which lists all patents, publications, applications, or other information submitted for consideration by the Office; (b) a legible copy of each document required by 37 C.F.R. §1.98(b)(2).
2. Applicant herein apprises the Patent Office of references cited in a parent U.S. application from which this application obtains the benefit of an earlier filing date under 35 U.S.C. §120. The Serial Number of the parent application is U.S. Application 09/965,680 U.S. Pat. No. 6,682,845 filed 9/27/01 and entitled APPARATUS FOR MAINTAINING COMPRESSION OF THE ACTIVE.... The publications cited therein are listed on attached Form PTO-1449. In accordance with 37 C.F.R. §1.98(d) copies of the listed publications are not required. Additional parent patent applications are listed on an attached sheet.
3. In accordance with 37 C.F.R. §1.98(a)(3), Applicant hereby certifies that for each reference not in English (check at least one box below):
 - A copy of a translation of one or more non-English document, or portion thereof, is provided herewith;
 - A concise explanation is (check at least one box below):
 - provided in the accompanying foreign or international search report; incorporated into the specification; and/or provided herewith.

37 C.F.R. §1.97(b)(1), (b)(2) – WITHIN 3 MONTHS OF FILING OR ENTRY IN NATIONAL STAGE

4. Since this Information Disclosure Statement is being filed within three months of the filing date of the subject application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application, no fee or certification under 37 C.F.R. §1.97(e) is required.

37 C.F.R. §1.97(b)(3), (b)(4) – PRIOR TO MAILING OF FIRST OFFICE ACTION OR FIRST ACTION AFTER REQUEST FOR CONTINUED EXAMINATION

5. Since this Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114, no fee or certification under 37 C.F.R. §1.97(e) is required.

37 C.F.R. §1.97(c) – AFTER FIRST ACTION, BEFORE FINAL ACTION OR ALLOWANCE

6. Since this Information Disclosure Statement is being filed outside of the period provided for in 37 C.F.R. §1.97(b), but before the mailing date of a Final Rejection or Notice of Allowance, this submission is being accompanied by (one of the following boxes must be checked):
 - a. the fee required under 37 C.F.R. §1.97(c)(2) and specified in 37 C.F.R. §1.17(p).
 - b. the statement specified in 37 C.F.R. §1.97(e) (Box 8 or 9 must be checked).

37 C.F.R. §1.97(d) – AFTER FINAL REJECTION OR ALLOWANCE

7. Since this Information Disclosure Statement is being filed after the period specified in 37 C.F.R. §1.97(c), but on or before payment of the issue fee and is accompanied by both the statement specified in 37 C.F.R. §1.97(e) and the fee set forth in 37 C.F.R. §1.17(p). (Box 8 or 9 must be checked.)
8. In accordance with 37 C.F.R. §1.97(e)(1), Applicant's attorney certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. The foreign or international search report(s) is/are enclosed.
9. In accordance with 37 C.F.R. §1.97(e)(2), Applicant's attorney certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of the information disclosure statement.
10. In the event the Commissioner of Patents deems that any additional fee is required under 37 C.F.R. §§ 1.16 or 1.17 in connection with this application, Applicant's attorneys authorize that such fee be charged to Deposit Account No. 06-1130.
11. Consideration of this Information Disclosure Statement is respectfully requested.

Name:	<u>Philmore H. Colburn II</u>		Registration Number	<u>35,101</u>
Signature			Date	<u>3/10/04</u>

CERTIFICATE OF MAILING OR TRANSMISSION: I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or [] facsimile transmitted to the U.S. Patent and Trademark Office to Facsimile No. _____ on the date shown below.

Name	<u>Norine Barberie</u>		
Signature		Date	<u>3/10/04</u>



INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY DOCKET NO.
PES-0059C

SERIAL NO.

10/740,077

Jason K. Shiepe et al.

FILING

12/17/03

GROUP

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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,656,027	4/11/72	Isley			
	4,488,203	12/11/84	Muranaka et al.			
	4,745,301	5/17/88	Michalchik			
	4,844,922	7/4/89	Strasser			
	5,366,823	11/22/94	Leonida et al.			
	5,472,801	12/5/95	Mattejat et al.			
	5,547,777	8/20/96	Richards			
	6,096,450	8/1/00	Walsh			
	4,011,360	3/8/77	Walsh			
	5,082,596	1/21/92	Fukuda et al.			
	5,296,570	3/22/94	Earls et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	DE 200 08 539	8/2000	Germany				
	WO 98/57384	12/17/98	International				
	WO 99/27599	3/6/99	International				
	WO 00/39362	6/7/00	International				
	GB 966407	12/8/64	United Kingdom				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER	DATE CONSIDERED
	English Translation of JP 10162842 Abstract Only (Japan), 1 page
	English Translation of JP 02160371 Abstract Only (Japan), 1 page

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				ATTY DOCKET NO. PES-0059C		SERIAL NO. 10/740,077		
				Jason K. Shiepe et al.				
				FILING 12/17/03	GROUP			
U.S. PATENT DOCUMENTS								
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
		5,585,038	12/17/96	Kirmanen				
		5,656,690	8/12/97	Pradl, et al.				
		4,317,864	3/2/82	Strasser				
		4,732,660	3/22/88	Plowman et al.				
		5,009,968	4/23/91	Guthrie et al.				
		5,324,565	6/28/94	Leonida et al.				
		5,466,354	11/14/95	Leonida et al.				
		5,580,672	1/23/96	Zagala, III et al.				
		5,824,199	10/20/98	Simmons et al.				
		6,171,719	1/9/01	Roy et al.				
		4,912,286	3/27/90	Clarke				
FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		JP 2160371	6/20/90	Japan				
		JP 5166523	7/2/93	Japan				
		JP 58164170	9/29/83	Japan				
		JP 5101836	4/23/93	Japan				
		WO 98/40537	9/17/98	International				
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>								
		English Translation of JP 05166523 Abstract Only (Japan), 1 page						
		English Translation of JP 58164170 Abstract Only (Japan), 1 page						
EXAMINER				DATE CONSIDERED				
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								

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U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,281,496	1/25/94	Clarke			
		4,225,654	9/30/80	Tajima et al.			
		2002/0022173	2/21/02	Molter et al.			
		5,942,350	8/99	Roy et al.			
		6,365,032	4/02	Shiepe et al.			
		US 2001/0013469	8/01	Shiepe et al.			
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
		WO 98/23794	6/4/98	International			YES
		WO 02/50339 A1	6/27/02	International			NO
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>							
		English Translation of JP 05101836 Abstract Only (Japan), 1 page					
		International Search Report, International Application No. PCT/US01/30207; International Filing Date: 27 September 2001					
EXAMINER				DATE CONSIDERED			
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